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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/800,975	03/14/2004	James T. Bezanson	BEA920030032US1	1393
61780 7590 08/01/2008 LAW OFFICES OF MICHAEL DRYJA 1474 N COOPER RD #105-248 GILBERT, AZ 85233				
EXAMINER				
SHU, HO T				
ART UNIT		PAPER NUMBER		
2157				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/800,975

Applicant(s)

BEZANSON ET AL.

Examiner

HO SHIU

Art Unit

2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 June 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-14 are pending in this application. Claims 15-25 have been cancelled by amendment filed on 06/29/2008. Examiner notes on page 6 of applicant's remarks in paragraph 2 that the request of cancellation of claims 1-14 is stated. Examiner believes that this is a typo since it contradicts to the paragraph above where claims 1-14 are pending. Examiner believes that the Applicant is referring to cancellation of claims 15-25.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 1, 4-9, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Poppenga et al. (US Pub # 2003/0120624, hereinafter Poppenga) in view of Kaplan et al. (US Patent # 6,594,674 B1, hereinafter Kaplan).**

4. With respect to claim 1. Poppenga discloses determining which drivers are needed for devices on client computing systems that are not automatically found and installed on the client computing systems during vendor-specified operating system

installation on the client computing systems (abstract); creating entries for the drivers within a master driver file ([0030], lines 10-18) and, for each client computing system, creating references within an unattended installation file for the client computing system to the entries for the drivers ([0032], lines 1-12) of the devices for the client computing system within the master driver file ([0028], lines 1-11), wherein the unattended installation file is a different file than the master driver File is ([0030], lines 1-12). However, Poppenga does not clearly disclose that the entries for the drivers are within a master driver file.

In the same field of endeavor, Kaplan discloses in the summary of invention that a single file can include two or more separable streams of data capable of being stored as individual files and sub files can be written to a single Master File Table (col. 1-2, summary of invention). Kaplan also discloses in the summary of invention that it also allows an application program to write, as a single file, a large block of data comprising multiple portions that could otherwise be written as several smaller files (col. 1-2, summary of invention).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Poppenga with the teachings of Kaplan in order to enhance the efficiency of file transferring by transferring one big file instead of multiple smaller individual files (col. 1).

5. With respect to claim 4, Poppenga discloses creating entries for the drivers ([0027], lines 1-4) within the master driver file comprises creating entries for the drivers

within the master driver file that are not already present within the master driver file ([0030], lines 7-18, [0032], lines 1-12).

6. With respect to claim 5, Poppenga discloses creating entries for the drivers within the master driver file comprises creating entries for the drivers within the master driver file as stored on a server computing system ([0027], lines 1-4).

7. With respect to claim 6, Poppenga discloses copying the master driver file to each client computing system ([0033], lines 1-3), wherein creating references within the unattended installation file for each client computing system to the entries for the drivers of the devices within the master drive file comprises creating the references to the entries for the drivers of the devices within the master driver file as copied to the client computing system ([0028], lines 1-10).

8. With respect to claim 7, Poppenga discloses copying the master driver file to each client computing system comprises copying the master driver file in its entirety to each client computer system ([0033], lines 1-14).

9. With respect to claim 8, Poppenga discloses copying the master driver file to each client computing system comprises, for each client computing system, copying only those parts of the master driver file that include the entries for the drivers that are

needed for the devices on the client computing system ([0033], lines 1-14).

10. With respect to claim 9, Poppenga discloses for each client computing system, copying the drivers that are needed for the devices on the client computing system to the client computing system ([0039], lines 1-17).

11. With respect to claim 12, Poppenga discloses the unattended installation file for each client computing system is an operating system installation answer file for the client computing system ([0034], lines 1-10, the unattended installation file may also be referred to as an answer file, and contains the values, or answers, needed by the operating system installation process).

12. Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Poppenga in view of Kaplan as applied to claim 1 and in further view of Barmettler (US Pub # 2003/0023770 A1, hereinafter Barmettler).

13. With respect to claim 2, Poppenga does not clearly disclose determining which drivers are needed for mass storage devices on the client computing systems.

In the same field of endeavor, Barmettler discloses which drivers are needed for mass storage devices on the client computing systems ([0009], lines 4-12, [0002], lines 1-3).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Poppenga and Kaplan with the teachings of Barmettler in order to conveniently install drivers for myriad devices.

14. With respect to claim 3, Poppenga does not clearly disclose remotely scanning hardware on the client computer systems to learn of the devices that are not automatically found and installed on the client computing systems during operating system installation.

In the same field of endeavor, Barmettler discloses remotely scanning hardware on the client computer systems to learn of the devices that are not automatically found and installed on the client computing systems during operating system installation ([0009], lines 4-9, [0021], lines 1-6, [0014], lines 3-7, the web site determines whether the driver installation can be automated while the automated installation object determines which peripheral devices are attached to the computing system in which essentially the website remotely scans the hardware on the client computer systems).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Poppenga and Kaplan with the teachings of Barmettler in order to efficiently install a driver if special assistance is required from an administrator or the client/user is not capable of installing the driver themselves.

15. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Poppenga in view of Kaplan as applied to claim 1 and in further view of Platt (US Patent 5,421,009, hereinafter Platt).

16. With respect to claim 10, Poppenga discloses where the drivers of the devices for the client computing systems are able to be installed in the unattended manner due to the references created within the unattended installation files to the entries for the drivers of the devices within the master drive file (abstract). However, Poppenga and Kaplan do not clearly disclose remotely installing operating systems on the client computing systems in an unattended manner.

In the same field of endeavor, Platt discloses remotely installing operating systems on the client computing systems in an unattended manner (column 1, lines 61-63, column 2, lines 3-6).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Poppenga and Kaplan with the teachings of Platt in order to not only provide/install drivers, but programs/software as well which are needed/useful without an administrator/personnel to complete the task resulting in a more efficient manner.

17. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Poppenga in view of Kaplan as applied to claim 1 and in further view of Maxwell

et al. (US Patent 6,567,860 B1, hereinafter Maxwell).

18. With respect to claim 11, The Poppenga and Kaplan do not clearly disclose that the master driver file is a text mode driver.

However, in the same field of endeavor, Maxwell discloses wherein the master driver file is a text mode driver file (column 10, lines 48-50).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Poppenga and Kaplan with the teachings of Maxwell in order to incorporate devices that are required upon booting which is necessary to create a file directory or such sort so the operating system will recognize such drivers for such devices.

19. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Poppenga in view of Kaplan and in further view of Platt.

With respect to claim 13, Poppenga discloses which drivers are needed for devices on the client computing systems that are not automatically found and installed on the client computing system during vendor-specified operating system installation on the client computing system (abstract) creating entries for drivers within a master driver file that are not already present within the master driver file as stored on a server computing system ([0027], lines 1-4, [0030], lines 10-18); copying the master driver file to each client computing system ([0033], lines 1-14); copying the drivers that are needed for the

devices on each client computing system to the client computing system ([0033], lines 1-14); for each client computing system, creating references within an unattended installation file for the client computing system to the entries for the drivers of the devices for the client computing system within the master driver file as copied to the client computing system ([0028], lines 1-10), where the drivers of the device for the client computing systems are able to be installed in the unattended manner due to the references created within the unattended installation files to the entries for the drivers of the devices within the master driver file ([0033], lines 1-14), and wherein the unattended installation file is a different file than the master driver file ([0033], lines 1-14). However, Poppenga does not clearly disclose that the entries for the drivers are within a master driver file and remotely installing operating systems on the client computing systems in an unattended manner.

In the same field of endeavor, Kaplan discloses in the summary of invention that a single file can include two or more separable streams of data capable of being stored as individual files and sub files can be written to a single Master File Table (col. 1-2, summary of invention). Kaplan also discloses in the summary of invention that it also allows an application program to write, as a single file, a large block of data comprising multiple portions that could otherwise be written as several smaller files (col. 1-2, summary of invention).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Poppenga with the teachings of

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Kaplan in order to enhance the efficiency of file transferring by transferring one big file instead of multiple smaller individual files (col. 1).

The combination of Poppenga and Kaplan does not disclose remotely installing operating systems on the client computing systems in an unattended manner.

In the same field of endeavor, Platt discloses remotely installing operating systems on the client computing systems in an unattended manner (column 1, lines 61-63, column 2, lines 3-6).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Poppenga and Kaplan with the teachings of Platt in order for a more convenient way not only to provide/install drivers, but programs/software that are needed/useful.

20. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Poppenga in view of Kaplan and in further view of Platt and in further view of Barmettler.

21. With respect to claim 14, Poppenga, Kaplan, and Platt do not clearly disclose the devices on the client computing systems are mass storage devices.

In the same field of endeavor, Barmettler discloses the devices on the client computing systems are mass storage devices ([0009], lines 4-12, [0002], lines 1-3).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Poppenga, Kaplan, and Platt with the teachings of Barmettler in order to conveniently install drivers for myriad devices.

Response to Arguments

22. Applicant's arguments with regards to claims 1-14 filed 06/29/2008 have been considered by are moot in view of the new ground(s) of rejection.

23. Examiner notes on page 6 of applicant's remarks in paragraph 2 that the request of cancellation of claims 1-14 is stated. Examiner believes that this is a typo since it contradicts to the paragraph above where claims 1-14 are pending. Examiner believes that the Applicant is referring to cancellation of claims 15-25.

Conclusion

24. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HO SHIU whose telephone number is (571)270-3810. The examiner can normally be reached on Mon-Thur (8:30am - 4:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 571-272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

HTS

04/22/2008

Ho Ting Shiu
Patent Examiner
Art Unit 2157

/Ario Etienne/
Supervisory Patent Examiner, Art Unit 2157